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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,868	08/10/2001	Edward R. Howorka		6935

7590 08/01/2006

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EXAMINER

GREIMEL, JOCELYN

ART UNIT PAPER NUMBER

3693

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/927,868	Applicant(s) HOWORKA, EDWARD R.	
	Examiner Jocelyn Greimel	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08/10/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's application of August 10, 2001, which is a continuation of 09/029,181 (now US Patent 6,282,521), which is a 371 of PCT/US96/14086, which claims the benefit of 60/002,856 filed August 28, 1995.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Tuck et al (US Patent No. 6,115,698, hereinafter Tuck). In reference to claim 1, Tuck discloses: a process for notifying a maker in a computerized trading system that his offer is subject to being accepted by another trader using the trading system, the process comprising: determining when a predetermined percentage of traders are permitted to accept the makers quote, the predetermined percentage being more than one and less than all of the traders with which the maker has bilateral credit; and informing the maker that his offer can be accepted by the predetermined percentage of traders (col. 4, lines 40-64; col. 7, lines 14-41; col. 8, lines 1-67; col. 9, lines 1-57).

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4. In reference to claim 2, Tuck discloses the process wherein the maker is visually informed that his offer can be accepted by the predetermined percentage of traders (col. 4, lines 40-64; col. 5, lines 24-42; col. 9, 1-15).

5. In reference to claims 3-5, Tuck discloses: the process, wherein the maker is audibly informed that his offer can be accepted by the predetermined percentage of traders; wherein the maker is both visually and audibly informed that offer can be accepted by the predetermined percentage of traders and the process, wherein a trader is only permitted to accept the maker's quote if there is sufficient bilateral credit between the maker and the trader (col. 2, lines 49-61; col. 4, lines 40-64; col. 5, lines 24-42; col. 9, 1-15).

6. In reference to claim 6, Tuck discloses the process wherein a trader is only permitted to accept the maker's quote if there is sufficient bilateral credit between the maker and the trader and the maker's quote is the best available to the trader (col. 1, lines 45-67; col. 2, lines 1-42 and lines 49-61; col. 4, lines 40-64; col. 5, lines 24-42; col. 9, 1-60; Figure 20).

7. In reference to claims 7 and 8, Tuck discloses a ranking process which could be utilized to rank wherein a trader is only permitted to accept the maker's quote if there is sufficient bilateral credit between the maker and the trader and the maker's quote is both the best available to the trader and is earlier in time to any other quote available to

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the trader at the same price or wherein the predetermined percentage is at least 25% (col. 1, lines 45-67; col. 2, lines 1-42 and lines 49-61; col. 4, lines 40-64; col. 5, lines 24-42; col. 9, 1-60; Figure 20).

8. In reference to claim 9, Tuck discloses the process, wherein the maker is informed that his offer can be accepted by the predetermined percentage of traders by providing the maker with a quantitative indication of the percentage of traders who can accept his offer (col. 9, lines 9-60).

9. In reference to claim 10, Tuck discloses the process, wherein the quantitative indication is in the form of a graph (col. 8, 1-67; col. 9, lines 1-60).

Conclusion


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jocelyn Greimel whose telephone number is (571) 272-3734. The examiner can normally be reached Monday - Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jocelyn Greimel
Examiner
July 24, 2006


ELLA COLBERT
PRIMARY EXAMINER